THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.11275 of 2006

Dated: 16-06-2006

Between:

V. Naga Triveni.

..... PETITIONER

AND

The District Collector, Krishna District, and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.11275 of 2006

ORDER:

The petitioner is the resident of Vijayawada. She allegedly owns land admeasuring Acs.2.69 cents in R.S.No.121/1 & 2 situated at Neppalli village, Kankipadu Mandal, Krishna District. She alleges that the subordinate staff of the respondents' are threatening to dispossess her in order to acquire the land for providing house site pattas. Therefore, she filed the present writ petition praying as follows.

> For the reasons stated in the accompanying affidavit the petitioner herein pray that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in threatening to acquired the land to an extent of Acs.2.69 cents situated in R.S.No.121/1 and 2 situated at Neppalli village, Kankipadu Mandal, Krishna District, of petitioner without following the due procedure of law as illegal, arbitrary and for a consequential direction to the respondent to follow the due procedure of law and to pass such other order or orders as this Hon'ble court may deem fit and proper in the

circumstances of the case.

The power of eminent domain of the State is absolute and enables the sovereign to acquire the land for a public purpose. The owner of the land has a remedy by way of claiming compensation and/or challenging the acquisition proceedings on the ground that those proceedings are not in accordance with law. This, however, does not mean that any owner of the land can seek an injunction from a Civil Court or a writ of Mandamus from this Court restraining the State from exercising its power of eminent domain. For this reason alone the writ as framed is misconceived.

The writ petition was initially called on 08-06-2006 and at the request of the learned Assistant Government Pleader for Revenue (General) to get instructions, the matter was adjourned. Today, on instructions, the learned Assistant Government Pleader submits that it is proposed to acquire 0.70 cents from out of Acs.2.69 cents situated in Rs.No.121/1 and 121/2 and that the notification under Section 4(1) and declaration under Section 6(1) of the Land Acquisition Act, 1894 were already issued and the same was announced in the village by tom-tom on 14-06-2006. Therefore, the petitioner is given liberty to obtain copies of the notifications and to challenge the same by way of a separate writ petition and the present writ petition cannot be entertained.

The writ petition is, therefore, dismissed. No costs.

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(**V.V.S.RAO, J**)

16th June, 2006

ghn